

REMARKS

This response is submitted in reply to the Final Office Action of April 25, 2006 in connection with the above-identified application. The pending claims are set forth above. Claims 1, 11, 67 and 76 are in independent form. Claims 1 and 11 recite methods for selling duty free items in combination with international travel tickets obtained from a single source, e.g. a single merchant supplying both the international travel ticket(s) and the duty free item(s). Independent claim 67 and 76 recite systems for performing the methods of claims 1 and 11. The Examiner's attention is directed to the description of applicant's invention as set forth on pages 15-16 of applicant's May 2, 2005 Amendment.

In the Office Action, all pending claims stand rejected (with the exception of claims 6, 16, 28 and 80) as allegedly rendered obvious from the U.S. Patent No. 5,732,398 (Tagawa) in combination with a Business Wire article "Air France Corrects And Replaces Previous Announcement" (hereinafter "Business Wire"). Claims 6, 16, 28 and 80 stand rejected as allegedly rendered obvious from Tagawa, Business Wire and a Business Times article. Applicant respectfully traverses these rejections.

Applicant maintains its position that Tagawa does not teach that one merchant who offers goods for sale through the Tagawa kiosk is compelled to provide free or discounted goods from that first merchant or from another type or group of merchants. Tagawa simply teaches a kiosk which can be used as an interface to connect a consumer with independent, unrelated and separate providers of goods and services. Tagawa provides a communication conduit similar to a telephone or computer terminal having Internet access. If a consumer desires to purchase an airline ticket, the kiosk will connect the consumer to an airline ticketing agent or to a ticket provider and the kiosk will issue a receipt for the purchase. Likewise, if the consumer desires to purchase other

services, such as a hotel room or rental car, for example, the kiosk will connect the consumer to the source of such services, e.g. to other merchants (hotels, rental car companies, etc.) which separate and apart from a first merchant. The kiosk does not function as a single source which provides both international travel tickets and duty free goods, as is required by the pending claims.

In disagreeing with the applicant, the Examiner refers to col. 4, lines 28-31 of Tagawa which states “the method further comprises closing a sale, accepting payment for the flight or flights selected by the user and a delivering a non-Airline-Reporting Corporation value voucher for the paid flight or flights to the user”. (Emphasis from Examiner). This cited section of Tagawa further supports applicant’s interpretation of Tagawa as set forth above, i.e. that it only provides one-on-one communication between a consumer and a vendor selling a specific type of goods or services. In other words, a consumer will use the Tagawa kiosk to purchase an airline ticket from an airline, and then may use the same kiosk to reserve a rental car from a rental car service provider. A reading of Tagawa clarifies that the term “non-Airline-Reporting Corporation value voucher” (“non-ARC value voucher”) is nothing other than an e-ticket which is used for air travel. This interpretation is supported by col. 19, lines 5-18 of Tagawa which states that “contracts are made directly with airlines to issue value vouchers in lieu of ARC tickets.” Thus, when a consumer uses the Tagawa kiosk to buy an airline ticket, the kiosk places the consumer in contact with the airline (“contracts are made directly with airlines”) and an e-ticket, coupon or voucher is issued. There is simply no teaching in Tagawa of a method or system for selling international travel tickets in combination with duty free items from a single source, as is set forth in the independent claims, i.e. from a merchant providing (1) an international travel ticket and (2) a specific duty free item.

As for the Business Wire article, the “welcome gift” referred to in the article may be a specific item but is not a “specific duty free item” as is recited in the claims. In fact, in order to

receive the “welcome gift” recited in the Business Wire article, a consumer needs to retrieve the gift at one of the department stores mentioned in the article. Because those department stores are not in an international point of debarkation (e.g., airport, etc.), the department stores are non-duty free merchants. On the other hand, if the “voucher” referred to in the Business Wire article is used, that voucher is not for a “specific duty free item” as required in the claims. Rather, that voucher is “good in duty free shops at Paris/Charles de Gaulle Airport”. In other words, a consumer obtaining the voucher can use the voucher to purchase any type of duty free goods in a duty free shop at the airport. The Business Wire article makes no mention that the voucher is for a “specific duty free item”. In addition, there is no mention in the Business Wire article that the value of the voucher is in any way related to the price of the international travel ticket. Thus, if one ticket is purchased, one voucher may be awarded and if a second ticket is purchased, a second voucher - of the same value as the first - will be awarded. However, in the pending claims, the price of the purchased international travel ticket is related to the specific duty free item that is offered. Accordingly, if a higher priced international travel ticket is purchased, a more valuable duty free item may be offered as compared to the duty free item offered for a lower priced international travel ticket.

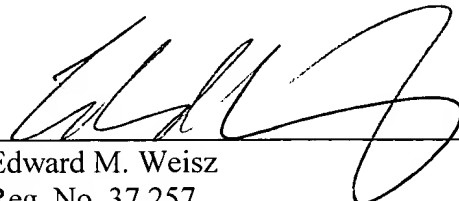
For all of the foregoing reasons, the combination of Tagawa with the Business Wire reference does not render applicant’s claims obvious. Furthermore, the combination of those references teach away from applicant’s invention because Tagawa does not disclose a single source providing international travel tickets and duty free goods, and the Business Wire article does not disclose providing a specific duty free item. Such a combination, therefore, even if it was permissible, does not result in the invention as claimed. Moreover, the non-obviousness of applicant’s invention as set forth in the claims is further supported by the previously-submitted Declarations Under 37 C.F.R. §1.132.

Because the independent claims are believed to be allowable for the reasons set forth above, it is also believed that the dependent claims are allowable as well.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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